

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID MUNGAI NJENGA,

Petitioner,

v.

A. NEIL CLARK,

Respondent.

No. C 07-5769 SBA (PR)

**ORDER OF TRANSFER**

Petitioner is a detainee of the United States Immigration and Customs Enforcement (I.C.E.) in Tacoma, Washington, where he is detained under the Attorney General's discretion under Section 241 of the Immigration and Naturalization Act because he is subject to removal. He has filed a document entitled "Petition for Bail Hearing Pursuant to Kim v. Zigler."<sup>1</sup>

Petitioner also filed a similar document in the Western District of Washington. See Njenga v. Clark, Case No. C 07-1498 TSZ-MAT. Because he already has a related action pending in the Western District of Washington, the Court transfers this case to the district court for that district pursuant to 28 U.S.C. § 1404(a). See 28 U.S.C. § 1404(a).

Even assuming that Petitioner intended for the filed document to be construed as a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the legality of his custody, the district of confinement is the proper venue for a petition for a writ of habeas corpus under 28 U.S.C. § 2241. See Rumsfeld v. Padilla, 124 S. Ct. 2711, 2724 (2004); Chatman-Bey v. Thornburgh, 864 F.2d 804, 813 (D.C. Cir. 1988); McCoy v. United States Bd. of Parole, 537 F.2d 962, 966 (8th Cir. 1976). Here, Petitioner was taken into custody by the I.C.E. in the Northwest Detention Center in Tacoma, Washington, where Petitioner is presently confined and undergoing removal proceedings. Tacoma is located within the venue of the Western District of Washington.

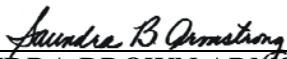
<sup>1</sup> While Petitioner cites Kim v. Zigler for legal authority, nowhere in his brief is this case discussed. Furthermore, he does not include a citation for Kim v. Zigler.

1 Accordingly, the proper venue of this case is the United States District Court for the Western  
2 District of Washington. See 28 U.S.C. § 1404(a).

3 This action shall be TRANSFERRED to the United States District Court for the Western  
4 District of Washington. The transferee court is alerted that this action is related to Njenga v. Clark,  
5 Case No. C 07-1498 TSZ-MAT, which has been referred to Magistrate Judge Mary Alice Theiler.  
6 The Clerk of the Court shall transfer this matter forthwith, and terminate any pending motions from  
7 this Court's docket.

8 IT IS SO ORDERED.

9 DATED: 11/28/07

  
10 SAUNDRA BROWN ARMSTRONG  
11 United States District Judge  
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